

VZCZCXRO0498  
PP RUEHPA  
DE RUEHUJA #2286/01 2991409  
ZNY CCCCC ZZH  
P 261409Z OCT 07  
FM AMEMBASSY ABUJA  
TO RUEHC/SECSTATE WASHDC PRIORITY 1308  
INFO RUEHZK/ECOWAS COLLECTIVE  
RUEHOS/AMCONSUL LAGOS 8160  
RHEBAAA/DEPT OF ENERGY WASHDC  
RHEHNSC/NSC WASHINGTON DC  
RUEAIIA/CIA WASHINGTON DC  
RUEKDIA/DIA WASHDC  
RHMFISS/HQ USEUCOM VAIHINGEN GE  
RUFOADA/JAC MOLESWORTH RAF MOLESWORTH UK

C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 002286

SIPDIS

SIPDIS

STATE FOR AF/W, INR/AA  
DOE FOR CAROLYN GAY

E.O. 12958: DECL: 10/22/2017

TAGS: [PGOV](#) [KDEM](#) [NI](#)

SUBJECT: NIGERIA: IBORI CASE HAMPERED BY EFCC-AG RIFT

REF: A. ABUJA 2082

[1](#)B. ABUJA 1824

[1](#)C. ABUJA 1741

Classified By: Political Counselor Walter Pflaumer for reasons 1.4. (b & d).

[1](#)1. (C) SUMMARY. Attorney General (AG) Michael Aondoakaa continues his attempts to derail the Economic and Financial Crimes Commission (EFCC) investigation into former Delta State Governor James Ibori. Failure of the AG's office to respond in a timely manner to a request from the U.K. Crown Prosecution Service for information on the EFCC's ongoing investigation on October 1 resulted in the Crown Court vacating its previous order to freeze Ibori's London assets (the October 1 decision to vacate was later overturned). The Benue Federal High Court has also attempted to tie the EFCC's hands in the case through court ordered injunctions. Aondoakaa's obstructionist involvement in the investigation is a black mark on President Yar'Adua's otherwise positive moves to institute the rule of law. END SUMMARY.

AG CONTINUES TO FRUSTRATE EFCC INVESTIGATION

-----  
[1](#)2. (C) Nigerian AG Michael Aondoakaa continues to work behind the scenes to frustrate the EFCC investigation into former Delta Governor James Ibori. On October 1, the U.K. Crown Court vacated its August 2 restraining order on Ibori's property due to a lack of evidence provided by the Crown Prosecution Service (CPS). The chain of events leading up to the October 1 decision, which have come to light since, point to what seems a deliberate attempt by the AG to frustrate the case. (NOTE: On October 8, the Crown Court issued a stay of execution, reinstating the restraining order on Ibori's property. END NOTE.)

[1](#)3. (C) According to reports, the CPS sent a request to the AG on August 30 asking for assistance in obtaining information, statements and documents in relation to the criminal investigation of Ibori in Nigeria. The AG waited until September 28 to forward the request to the EFCC for action. In contrast, Ibori's British lawyers sent a letter to the AG on August 4 requesting clarification of Ibori's status in Nigeria. The AG responded on August 7 (4 days later, including a weekend) with a letter in which the AG stated simply that Ibori had not been charged with any crimes in Nigeria and has no outstanding warrants. COMMENT: Although the AG's statement was technically correct, it appears

deliberately misleading and conveniently leaves out the ongoing EFCC investigation. The AG's quick response to Ibori's attorneys as compared to the delay of almost one month in forwarding the CPS request to the EFCC seems to lend credence to EFCC allegations that Ibori has made recent financial payments to the AG (Ref. A). END COMMENT)

¶4. (C) NOTE: London Metropolitan Police are currently in Nigeria and meeting with the AG and the EFCC regarding Ibori's case. Post will report a readout of these meetings septel. END NOTE.

#### FEDERAL HIGH COURT ALSO ATTEMPTS TO DERAIL EFCC

¶5. (SBU) On October 9, the Federal High Court of Benin State issued an order restraining the Economic and Financial Crimes Commission (EFCC), the Attorney General (AG) and their agents from arresting or detaining former Governor Ibori, his Deputy (Chief Benjamin Elue) and other former and current political office holders in Delta state in relation to investigations carried out into affairs of the State between 1999 and May 2007. In addition, the order restrained the law enforcement bodies from freezing accounts and ordered that individuals could not be compelled to release documents or information on the accounts of the state in respect to the investigation. The case was brought to the Benue Court by the Delta State Attorney General, the Delta Secretary to the State Government and the Delta State Auditor General.

¶6. (C) Despite the assurances of EFCC Secretary Emmanuel Akomaye on September 21 that injunctions from the High Courts only slow the process by a couple of days and that the Supreme Court has overruled such injunctions in multiple cases (Ref. A), the Benue Court injunction remains in effect at present. The EFCC, at the request of the AG, has

ABUJA 00002286 002 OF 002

submitted an appeal of the injunction. COMMENT. Ibori was reportedly in the U.S. at the time the case was brought ex parte to the Benin Court. Press reports indicate he returned to Nigeria on October 18, presumably confident that neither the EFCC nor the AG can arrest him. END COMMENT. The Benue Attorney General also petitioned the Supreme Court, requesting that the EFCC Act of 2004 (which established the EFCC) be nullified; the Supreme Court dismissed the case on October 25.

#### COMMENT - AG ACTIONS BLACK MARK ON ADMINISTRATION

¶7. (C) The battle between the EFCC and AG over former Governor Ibori seems to be alive and well, with the AG continuing to take actions to thwart the EFCC investigation. The AG's support for an appeal against the Benue High Court injunction may be no more than window dressing or a case of the AG feeling personally slighted by the ruling. That intervention notwithstanding, we find it difficult to believe his behavior is not evidence of corruption. His continuing obstructionism in the Ibori case stands out as a black mark on President Yar'Adua's otherwise positive promises to fight corruption and institute the rule of law. END COMMENT.

PIASCIK